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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,145	04/14/2004	Daniel James Winarski	TUC920040007US1	7857
65384	7590	04/14/2008		
HAMILTON & TERRILE, LLP				
IBM Tucson				
P.O. BOX 203518				
AUSTIN, TX 78720				
EXAMINER				
KROFCHECK, MICHAEL C				
ART UNIT		PAPER NUMBER		
2186				
NOTIFICATION DATE		DELIVERY MODE		
04/14/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@hamiltontertile.com  
seaton@hamiltontertile.com  
tmunoz@hamiltontertile.com

***Advisory Action***

1. The proposed amendment filed on 3/17/2008 has not been entered because it requires further search and/or consideration.

***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot as the amendments which they rely upon have not been entered.
3. Applicant's arguments filed 3/17/2008 have been fully considered but they are not persuasive.
4. Applicant argues with respect to claims 4 and 18 that the combination of Kopsaftis, Torrey, Goodman, Burton, and Shirasawa does not teach of placing a first device in an operational state to receive the update of the microcode which further comprises not accepting any new commands for processing; completing all current commands; and placing movable components at a rest position.

The examiner disagrees. Paragraphs 38-39 of Shirasawa teaches of halting all I/O processes to the hard disk prior to updating the hard disk's firmware. It is abundantly clear to one of ordinary skill in the art to finish currently executing I/O processes because if they were abruptly stopped, the data on the drive may become corrupt. It is also obvious to one of ordinary skill in the art that since there are no longer I/O processes occurring in the hard drive, that the heads and arms of the hard drive are not moving since they are not reading, writing, or searching for data.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. KROFCHECK whose telephone number is (571)272-8193. The examiner can normally be reached on Monday - Friday.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL C KROFCHECK/  
Examiner, Art Unit 2186

/Matt Kim/  
Supervisory Patent Examiner, Art  
Unit 2186

Michael Krofcheck